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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SHEPARD, JUSTIN E

ART UNIT

PAPER NUMBER

2424

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/890,054	<b>Applicant(s)</b> TAKAHASHI, YASUSHI	
	<b>Examiner</b> Justin E. Shepard	<b>Art Unit</b> 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 69-71, 73-77, 79, 80 and 82 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 69-71, 73-77, 79, 80 and 82 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 1/27/09 have been fully considered but they are not persuasive.

Page 11, last paragraph:

The applicant argues that there is no suggestion of semantic evaluation meta-data found in Goldberg. On column 13, lines 46-49 Goldberg teaches that information about camera motions and cuts may be included in the meta-data file included with the content. This cut data is interpreted as semantic data as it would include information about scene changes as a cut occurs at the end of every scene (column 2, lines 14-16).

Page 12, paragraph beginning with "Abecassis":

The applicant is arguing a new limitation found in the claims that will be addressed in the rejection of the claims found below.

Page 12, last paragraph:

The applicant argues that Maquire does not use meta-data to create the summary video that contains only the points of interest to the user. As Maquire is only used to teach creating a summary video from a type of data, the examiner feels that the data taught by Abecassis would be easily substituted into the data used to create the summary, thereby meeting the limitation.

The applicant also argues that the summary created is not "an abridged version of the content." As the summary would not contain all the content from the original video feed, it is considered an abridged version of the original video.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 69, 71, 73, 77, and 79 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claims are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to particular machine, or (2) transform underlying subject matter (such as an article or material) to a different state or thing. See page 10 of *In Re Bilski* 88 USPQ2d 1385. The instant claims are neither positively tied to a particular machine that accomplishes the claimed method steps nor transform underlying subject matter, and therefore do not qualify as a statutory process. The method including steps of obtaining is broad enough that the claim could be completely performed mentally, verbally or without a machine nor is any transformation apparent.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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1. Claims 69-71, 74, 75, 77, and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldberg in view of Abecassis in view of Maquire.

Referring to claim 69, Goldberg discloses a method for transmitting video data comprising:

obtaining data for identifying a main video data, said main video data representing content and constituted by connecting, in a predetermined sequence a plurality of shots or scenes, each shot or scene being a basic unit of the main video data (column 9, lines 52-55; figure 3);

obtaining semantic evaluation meta-data including evaluation of the shots or scenes of the main video data, said semantic evaluation meta-data indicating the development of the content represented by the main video (column 12, lines 40-44; column 13, lines 1-2; figure 9); and

transmitting the identifying data, the semantic evaluation meta-data, and the main video data (column 9, lines 52-55; column 15, lines 6-8).

Goldberg does not disclose a method wherein the semantic evaluation meta-data includes evaluation values of each shot or scene of the main video, said semantic evaluation meta-data having a value that measures the relevance of a shot or scene and representing the impact or significance of a shot or scene; and wherein the identifying data and the semantic evaluation meta-data is used for extracting shots or scenes from the main video, based on the relevance of the extracted shots as represented by the value of said semantic evaluation meta-data, for a user to generate

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from said extracted shots a summary digest video formed of a sequence of said extracted shots, which is an abridged version, of said content.

In an analogous art, Abecassis teaches a method wherein the semantic evaluation meta-data includes evaluation values of each shot or scene of the main video, said semantic evaluation meta-data having a value (figure 3, parts 521, 522, and 523) that measures the relevance of a shot or scene and representing the impact or significance of a shot or scene (figure 3; column 9, lines 8-12); and wherein the identifying data and the semantic evaluation meta-data is used for extracting shots or scenes from the main video, based on the relevance of the extracted shots as represented by the value of said semantic evaluation meta-data (figure 3, parts 521, 522, and 523; figure 4) to generate from said extracted shots an abbreviated version of the video formed of a sequence of said extracted shots, which is an abridged version, of said content (column 9, lines 13-28; Note: as parts of the video would be removed, the length of the video would be shortened creating a short video).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the editing from Abecassis to the system disclosed by Goldberg and Ueno. The motivation would have been to enable the system to edit out certain parts of the video that may be offensive to the user (Abecassis: column 7, lines 1-2).

Goldberg and Abecassis do not disclose a method wherein the user generates an abbreviated version of the video that constitutes a summary digest of said video.

In an analogous art, Maquire teaches a method wherein the user generates an abbreviated version of the video that constitutes a summary digest of said video (column 7, lines 44-60).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the summary generating taught by Maquire to the method disclosed by Goldberg and Abecassis. The motivation would have been to allow for the system to quickly identify and playback the segments of interest to the user (Maquire: column 7, lines 44-60).

Claim 70 is rejected on the same grounds as claim 69.

Referring to claim 71, Goldberg discloses a method for receiving video data comprising:

- receiving main video data representing content (column 9, lines 52-56);

- receiving identifying data, identifying main video data, the main video data constituted in a predetermined sequence of a plurality of shots or scenes, each shot or scene being a basic unit of the main video data (column 9, lines 52-55; figure 3);

- receiving semantic evaluation meta-data based on an evaluation of the shots or scenes of the main video data, said semantic evaluation meta-data indicating the development of the content represented by the main video data (column 12, lines 40-44; column 13, lines 1-2; figure 9); and

- manipulating the main video data based on the identifying data and the semantic evaluation meta-data (column 12, lines 40-44; column 13, lines 21-33).

Goldberg does not disclose a method wherein the semantic evaluation meta-data includes evaluation values of each shot or scene of the main video, said semantic evaluation meta-data having a value that is a measure of the relevance of a shot or scene and representing the impact or significance of a shot or scene; and

generating a abbreviated video of said content by extracting shots or scenes from the main video data, based on the relevance of the extracted shots as represented by the value of said semantic evaluation meta-data, using the identifying data and the semantic evaluation meta-data, wherein the abbreviated video is formed of a sequence of said extracted shots, which is an abridged version, of said content.

In an analogous art, Abecassis teaches a method wherein the semantic evaluation meta-data includes evaluation values of each shot or scene of the main video, said semantic evaluation meta-data having a value (figure 3, parts 521, 522, and 523) that is a measure of the relevance of a shot or scene and representing the impact or significance of a shot or scene (figure 3; column 9, lines 8-12); and

generating a abbreviated video of said content by extracting shots or scenes from the main video data, based on the relevance of the extracted shots as represented by the value of said semantic evaluation meta-data (figure 3, parts 521, 522, and 523; figure 4), using the identifying data and the semantic evaluation meta-data, wherein the abbreviated video is formed of a sequence of said extracted shots, which is an abridged version, of said content (column 9, lines 13-28; Note: as parts of the video would be removed, the length of the video would be shortened creating a short video).



At the time of the invention it would have been obvious for one of ordinary skill in the art to add the editing from Abecassis to the system disclosed by Goldberg and Ueno. The motivation would have been to enable the system to edit out certain parts of the video that may be offensive to the user (Abecassis: column 7, lines 1-2).

Goldberg and Abecassis do not disclose a method wherein the abbreviated version of the video is a summary digest of said video.

In an analogous art, Maquire teaches a method wherein the user generates an abbreviated version of the video that constitutes a summary digest of said video (column 7, lines 44-60).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the summary generating taught by Maquire to the method disclosed by Goldberg and Abecassis. The motivation would have been to allow for the system to quickly identify and playback the segments of interest to the user (Maquire: column 7, lines 44-60).

Claims 74 and 75 are rejected on the same grounds as claim 71.

Claim 77 is rejected on the same grounds as claims 69 and 71.

Claim 80 is rejected on the same grounds as claim 77.

Claims 73, 76, 79, and 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldberg in view of Abecassis as applied to the claims above, and further in view of Hjelsvold.

Referring to claim 73, Goldberg does not disclose a method for receiving billing meta-data indicating how billing is to be performed; and billing a viewer at a receiving end based on the received billing meta-data.

In an analogous art, Hjelsvold teaches a method for receiving billing meta-data indicating how billing is to be performed (column 5, lines 28-29 and 45-51); and billing a viewer at a receiving end based on the received billing meta-data (column 6, lines 9-13).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the billing method taught by Hjelsvold to the system disclosed by Goldberg and Abecassis. The motivation would have been to enable different lengths of videos to have different prices (Hjelsvold: column 5, lines 28-29), which would make the system more convenient for the user.

Claims 76 and 79 are rejected on the same grounds as claim 73.

Claim 82 is rejected on the same grounds as claim 79.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/  
Supervisory Patent Examiner, Art  
Unit 2424

JS